

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELIZABETH KENNON,

Plaintiff,

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

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Civil Action No.: _____

NOTICE OF REMOVAL

COMES NOW State Farm Mutual Automobile Company (hereinafter referred to as "State Farm"), defendant in the above-styled action, and hereby files this notice of removal of the action herein referred to from the Superior Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing to the Court as follows:

1.

State Farm is a defendant in a civil action brought against it in the Superior Court of Gwinnett County, Georgia in an action entitled:

ELIZABETH KENNON,
Plaintiff,

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
Defendant.

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* Civil Action No.: 23-A-05273-3
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2.

Copies of all process, orders, and pleadings filed in said action to date are attached hereto as Exhibit "A".

3.

Said action was commenced by the filing of the complaint against the defendant on June 16, 2023.

4.

State Farm was served with the summons and complaint on June 23, 2023.

5.

The controversy between plaintiff and defendant is a controversy between of citizens of different states.

6.

At the commencement of said action and at all times thereafter:

- a. Plaintiff was a citizen of the United States who is domiciled in the state of Georgia; therefore, plaintiff

is a citizen of the state of Georgia.

- b. State Farm is an Illinois corporation with its principal place of business located in Bloomington, Illinois; therefore, State Firm is a corporate citizen of the state of Illinois.

7.

Based upon the allegations in plaintiff's complaint, the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs, and is a civil action brought in a state court over which the United States District Court has original jurisdiction based upon diversity of citizenship between the parties, pursuant to 28 U.S.C. § 1332.

8.

Said action is one which may be removed to this Court, and this notice of removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446.

9.

State Farm has filed this notice of removal within thirty (30) days after service of the summons and complaint upon it.

10.

Written notice of the filing of this notice of removal and of the removal of the above-styled action is being delivered to all parties, through their counsel. A copy of this notice of

removal will be filed promptly with the Superior Court of Gwinnett County, Georgia.

11.

The undersigned has read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the costs of litigation.

WHEREFORE, State Farm prays that this notice of removal be filed, that said action designated as Civil Action Number 23-A-05273-3 in the Superior Court of Gwinnett County, Georgia be removed to and proceed in this Court, and that no further proceedings be had in said case in the Superior Court of Gwinnett County, Georgia.

This 21st day of July, 2023.

YOUNG, THAGARD, HOFFMAN, LLP

Address of Counsel:

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By: /s/ J. Holder Smith, Jr.
J. Holder Smith, Jr.
State Bar No.: 661105
Attorney for Defendant
State Farm Mutual Automobile
Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF REMOVAL** upon the following using the CM/ECF system which will send notification of such filing to the following and also by electronic service by email:

Mr. Brendan C. Flanagan
Ms. Morgan Lyndall
Flanagan Law, P.C.
5855 Sandy Springs Circle
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Atlanta, GA 30328
Email: BF@bflanlaw.com
Email: ML@bflanlaw.com

This 21st day of July, 2023.

YOUNG, THAGARD, HOFFMAN, LLP

Address of Counsel:

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